

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 02-3202

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United States of America,

Appellee,

v.

Ricky Ellis Lamb,

Appellant.

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Appeal from the United States  
District Court for the Western  
District of Arkansas.

[Unpublished]

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Submitted: May 5, 2003

Filed: May 9, 2003

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Before MURPHY, HANSEN, and MELLOY, Circuit Judges.

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PER CURIAM.

In this direct criminal appeal, Ricky Ellis Lamb challenges the sentence the district court<sup>1</sup> imposed after he pleaded guilty to failing to appear for service of sentence, in violation of 18 U.S.C. § 3146(a)(2). The district court sentenced him to 21 months imprisonment and 2 years supervised release. On appeal, Lamb's counsel has moved to withdraw under Anders v. California, 386 U.S. 738 (1967), raising two

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<sup>1</sup>The Honorable Robert T. Dawson, United States District Judge for the Western District of Arkansas.

issues: the district court erroneously denied Lamb (1) credit for time served on previous federal convictions, and (2) a downward departure under U.S.S.G. § 5K2.11.

We conclude that the district court did not err in denying Lamb's request for credit to account for time that he served on previous federal sentences which he claims should have been run concurrently to then undischarged state sentences. We also conclude that the district court made a discretionary decision not to depart, which is unreviewable. See United States v. Edwards, 225 F.3d 991, 992 (8th Cir. 2000), cert. denied, 531 U.S. 1100 (2001).

Following careful review of the record, we find no other nonfrivolous issues. See Penson v. Ohio, 488 U.S. 75, 80 (1988). Accordingly, the judgment is affirmed. We also grant counsel's motion to withdraw.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.